



1 success on the merits [and] the ability of the petitioner to articulate [his/her] claims *pro se* in light of the  
2 complexity of the legal issues involved.’’” *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997);  
3 *Terrell*, 935 F.2d at 1017 (quoting *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)).


4 Neither of these issues is dispositive, and both should be viewed together before reaching a decision. *Id.*

5 Based on the current record the Court has no reason to believe that Plaintiff is incapable of  
6 having a sufficient grasp of his case or the legal issues involved, or that Plaintiff might not be able to  
7 adequately articulate and communicate the basis of his claims. Plaintiff has failed to plead facts  
8 sufficient to show the “exceptional circumstances” required for appointment of counsel pursuant to 28  
9 U.S.C. § 1915(e)(1).

10 Accordingly, the Court **ORDERS** that Plaintiff’s motion for appointment of counsel is **DENIED**  
11 without prejudice.

12 **IT IS SO ORDERED.**

13 DATED: August 28, 2007

14   
15 Hon. Nita L. Stormes  
16 U.S. Magistrate Judge  
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